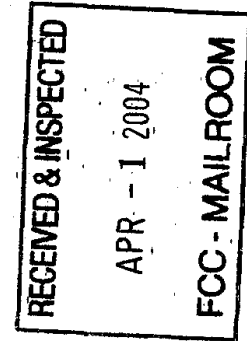




Federal Communications Commission  
Washington, D.C. 20554

March 29, 2004

Robert J. Robbins, President  
Call Communications Group, Inc.  
P.O. Box 561832  
Miami, Florida 33256-1832



Dear Mr. Robbins:

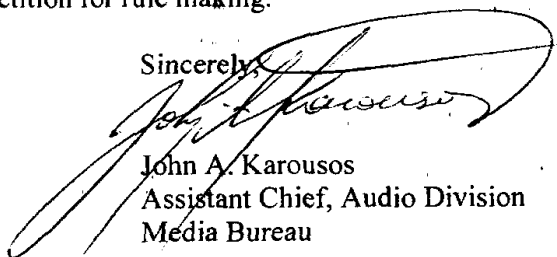
This letter is in response to the Petition for Rule Making you filed requesting the reservation of vacant Channel 239A at Big Pine Key, Florida for noncommercial educational ("NCE") use.

The Commission has revised the standards for reserving an FM channel for NCE use.<sup>1</sup> Under these revised standards, a reservation proponent must demonstrate that it is technically precluded from using a reserved channel and would provide a first and/or second NCE radio service to at least 10 percent of the population within the 1mV/m (60 dBu) contour of its proposed station. This revised reservation policy was later extended to existing vacant FM allotments for which an allocation proceeding was initiated prior to the effective date of these standards.<sup>2</sup> To implement the revised reservation policy, the Media Bureau opened a filing window to permit interested parties to file petitions for rulemaking in compliance with the revised reservation policy.<sup>3</sup>

The *Public Notice* opened a filing window permitting interested parties to file a petition for rulemaking in compliance with the revised reservation policy by November 21, 2003. The *Public Notice* stated that the filing deadline would be strictly enforced. As a result, your petition is unacceptable for consideration because it was filed on November 24, 2003.

In view of the above, we are returning your petition for rule making.

Sincerely,

  
John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau

Enclosure

<sup>1</sup> See *Reexamination of the Comparative Standards for Noncommercial Educational Applicant*, 15 FCC Rcd 7386 (2000), *recon granted in part* 16 FCC Rcd 5074 (2001).

<sup>2</sup> See *Reexamination of the Comparative Standards for Noncommercial Educational Applicant*, 18 FCC Rcd 6691 (2003).

<sup>3</sup> See *Media Bureau Opens Window to Permit Noncommercial Educational Reservation Showings for Certain Vacant FM Allotments*, 18 FCC Rcd 19600 (MB 2003) ("Public Notice").



P.O. Box 561832, Miami, Florida 33256-1832 (305) 662-7736 www.callfm.com

Office of the Secretary  
Federal Communications Commission  
Room TW-A325  
445 12th Street, SW  
Washington, DC 20554

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NOV 24 2003

FCC - MAILROOM

**PETITION FOR RULEMAKING**

November 20, 2003

Dear Secretary:

On September 30, 2003 the Commission released a Public Notice (DA-03-2990) inviting reservation showings for vacant FM allotments.

In this Petition for Rulemaking ("Petition"), we request that the Commission reserve the vacant allotment for Channel 239-A, Big Pine Key, Florida for NCE use. The attached exhibits demonstrate that all reserved channels are technically precluded from use by new applicants for NCE service. Furthermore, grant of this Petition would make possible Big Pine Key's first NCE service.

Therefore, we request that the Commission grant this Petition. Please do not hesitate to contact me directly should you have any questions.

Sincerely,

  
Robert J. Robbins  
President

cc: Rolanda F. Smith, Audio Division, Room 2-B450, 445 12<sup>th</sup> Street SW, Washington, D.C. 20554

03-496  
NB

Channel 239-A Big Pine Key, Florida  
Petition for Rulemaking

**Showing of provision of first and/or second NCE radio service**

There are no licensed primary NCE radio stations serving the community of Big Pine Key, Florida. There is one low-power translator (W206AS) and one LPFM radio station (WGGP-LP) licensed to Big Pine Key, Florida.

Grant of an application for a new NCE radio station licensed to Big Pine Key would provide the first NCE radio service.

<b>Channel 239-A FM Channel</b>	<b>Big Pine Key, Florida Station causing rejection (relation to channel)</b>
Ch. 201	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) WAVQ KEY WEST FL US (1st Adjacent) A 90786 WCNK KEY WEST FL US (I.F.) C1 34363
Ch. 202	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) WAVQ KEY WEST FL US (Co-Channel) A 90786
Ch. 203	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) WAVQ KEY WEST FL US (1st Adjacent) A 90786 W206AS BIG PINE KEY FL US (3rd Adjacent) D3 59323 980909MA KEY WEST FL US (3rd Adjacent) C1 91586 980909MN STOCK ISLAND FL US (3rd Adjacent) C3 91621 W206AS BIG PINE KEY FL US (3rd Adjacent) D5 59323
Ch. 204	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) W206AS BIG PINE KEY FL US (2nd Adjacent) D3 59323 980909MA KEY WEST FL US (2nd Adjacent) C1 91586 980909MN STOCK ISLAND FL US (2nd Adjacent) C3 91621 W206AS BIG PINE KEY FL US (2nd Adjacent) D5 59323 WAIL KEY WEST FL US (I.F.) C1 31637
Ch. 205	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) 980316MD KEY WEST FL US (1st Adjacent) C3 90285 W206AS BIG PINE KEY FL US (1st Adjacent) D3 59323 980909MA KEY WEST FL US (1st Adjacent) C1 91586 980909MN STOCK ISLAND FL US (1st Adjacent) C3 91621 980909MT KEY WEST FL US (1st Adjacent) C3 91643 W206AS BIG PINE KEY FL US (1st Adjacent) D5 59323 980316MD KEY WEST FL US (1st Adjacent) C3 90285 WAIL KEY WEST FL US (I.F.) C1 31637
Ch. 206	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) 980316MD KEY WEST FL US (Co-Channel) C3 90285 W206AS BIG PINE KEY FL US (Co-Channel) D3 59323 980909MA KEY WEST FL US (Co-Channel) C1 91586 980909MN STOCK ISLAND FL US (Co-Channel) C3 91621 980909MT KEY WEST FL US (Co-Channel) C3 91643 W206AS BIG PINE KEY FL US (Co-Channel) D5 59323 980316MD KEY WEST FL US (Co-Channel) C3 90285
Ch. 207	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) 980316MD KEY WEST FL US (1st Adjacent) C3 90285 W206AS BIG PINE KEY FL US (1st Adjacent) D3 59323 980909MA KEY WEST FL US (1st Adjacent) C1 91586 980909MN STOCK ISLAND FL US (1st Adjacent) C3 91621 980909MT KEY WEST FL US (1st Adjacent) C3 91643 W206AS BIG PINE KEY FL US (1st Adjacent) D5 59323 980316MD KEY WEST FL US (1st Adjacent) C3 90285

Ch. 208	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) W206AS BIG PINE KEY FL US (2nd Adjacent) D3 59323 980909MA KEY WEST FL US (2nd Adjacent) C1 91586 980909MN STOCK ISLAND FL US (2nd Adjacent) C3 91621 W206AS BIG PINE KEY FL US (2nd Adjacent) D5 59323
Ch. 209	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) W206AS BIG PINE KEY FL US (3rd Adjacent) D3 59323 980909MA KEY WEST FL US (3rd Adjacent) C1 91586 980909MN STOCK ISLAND FL US (3rd Adjacent) C3 91621 W206AS BIG PINE KEY FL US (3rd Adjacent) D5 59323
Ch. 210	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) WKWR KEY WEST FL US (1st Adjacent) C3 90274
Ch. 211	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) WKWR KEY WEST FL US (Co-Channel) C3 90274
Ch. 212	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) WKWR KEY WEST FL US (1st Adjacent) C3 90274
Ch. 213	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6)
Ch. 214	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) WJIR KEY WEST FL US (1st Adjacent) A 34364
Ch. 215	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) WJIR KEY WEST FL US (Co-Channel) A 34364 NEW BIG PINE FL US (3rd Adjacent) C1 123343 NEW MARATHON FL US (3rd Adjacent) C1 122606
Ch. 216	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) WJIR KEY WEST FL US (1st Adjacent) A 34364 NEW BIG PINE FL US (2nd Adjacent) C1 123343 NEW MARATHON FL US (2nd Adjacent) C1 122606
Ch. 217	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) NEW MARATHON FL US (1st Adjacent) A 123334 NEW BIG PINE FL US (1st Adjacent) C1 123343 NEW MARATHON FL US (1st Adjacent) C1 122606
Ch. 218	WTVJ MIAMI FL US (TV Channel 6) WTVJ MIAMI FL US (TV Channel 6) NEW MARATHON FL US (Co-Channel) A 123334 NEW BIG PINE FL US (Co-Channel) C1 123343 NEW MARATHON FL US (Co-Channel) C1 122606
Ch. 219	NEW MARATHON FL US (1st Adjacent) A 123334 NEW BIG PINE FL US (1st Adjacent) C1 123343 NEW MARATHON FL US (1st Adjacent) C1 122606
Ch. 220	NEW BIG PINE FL US (2nd Adjacent) C1 123343 NEW MARATHON FL US (2nd Adjacent) C1 122606